

Construction Agreements

By Florida statues, a builder must complete construction within 24 months ... that's why you don't see a specified time period to construct in an "Agreement" with your builder.

Notice the word: "Agreement" above instead of the word you might expect, "Contract."

The document between the builder or the developer and the buyer usually is an agreement; you seldom will have a contract for your new home. Here's why:

In an "Agreement," you agree to the document presented by the builder. A "Contract" is negotiated between the parties.

Judie Berger's "Experience that moves you" Team will make sure you are represented by reviewing the following:

- Some developers and builders and their various business entities sell a lot to a Buyer. There is a lot closing; then the developer or builder enters into a Construction Agreement under another company name with the same Buyer. The Construction Agreement holds the Buyer responsible for environmental contamination of the soil. In this situation, most developers and builders try to give the Buyer a "statutory warranty deed" in which they guarantee the ownership of the property only while their company owned it. What is the problem? The statutory warranty deed does not insure all past owners back through the chain of title.
- Be cautious about using the builder's "in-house" lender! Shop around. If the builder's representative offers you a bonus to use their lender, run away, fast! Guaranteed, you will be giving up something. If you are offered a discount for CASH, accept it. It's all cash at the closing table! We have other lenders for you to shop the BEST for you!
- We look carefully at where the next phase of the community is going to be built. What looks like a pretty and quiet lot on the builder's conceptual plans might be next to a major road going into the next phase.
- We alert you if the property was a cattle farm before being developed as a new community. The reason: cattle farms had pits filled with an oil substance; cows were run through these pits to keep the flies off them. Oil could be considered a pollutant in the ground, requiring serious environmental remediation. Big words -- hope we got your attention with them! There are many other considerations as well.
- We ask, "Where is the nearest eagle's nest?" An eagle's nest means special environmental complexities for home ownership and for construction!
- We look at all the drainage systems, on the property; near the property, and even at the community's edge to the county drainage system. Remember, it's about drainage first in Florida.
- We read everything in the documents a builder may give you! We are aware that some developers and builders state in pre-printed construction agreements that the Buyer gives up all rights and remedies under Florida Statutes.
- Some developers and builders have pre-printed into their Construction Agreement that neither the Buyer nor the Buyer's representatives or agents can enter the property during construction. Compare this attitude with other builders who issue hard hats to Buyers when they sign a construction contract! We especially like the builders who welcome owners and explain their building procedures.

**Building a home can offer many complications.
Make sure you have proper representation!**